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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,801	03/09/2004	Jeffrey D. Mullen	JDM/004	4497
32733	7590	03/28/2008		
JEFFREY D. MULLEN			EXAMINER	
731 SOUTH NEGLEY			RAMAKRISHNALAH, MELUR	
APT. 2				
PITTSBURGH, PA 15232			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			03/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,801

Applicant(s)

MULLEN, JEFFREY D.

Examiner

Melur Ramakrishnaiah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 16-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

For example claim 16 recites: wherein said autonomous sensing device includes a vibrational sensor, said communication signals are provided based on said vibrational sensing vibrations of said cellular phone, and said notification signals are light based. Applicant has no disclosure to support how vibrational signals are converted into light based signals.

Similarly claim 17 recites: wherein said autonomous sensing device includes a vibrational sensor, said communication signals are provided based on said vibrational sensing vibrations of said cellular phone, and said notification signals are audible. Applicant has no disclosure to support how vibrational signals are audible. Applicant has no disclosure to support how vibrational signals are converted into audible signals.

Similarly claim 18 recites: wherein said autonomous sensing device includes a vibrational sensor, said communication signals are provided based on said vibrational sensing vibrations of said cellular phone, and said notification signals are light based.

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Applicant has no disclosure to support how vibrational signals are converted into tactile signals.

Claim 19 recites: wherein said autonomous sensing device includes a vibrational sensor, said communication signals are provided based on said vibrational sensing vibrations of said cellular phone, and said vibrational sensor is operable to determine different types of vibrations of the cellular telephone. Applicant has no disclosure to support how vibrational sensor is operable to determine different types of vibrations of the cellular telephone.

Claim 20 recites: wherein said autonomous sensing device includes a vibrational sensor, said communication signals are provided based on said vibrational sensor sensing vibrations of said cellular phone, said vibrational is operable to determine different types of vibrations of said cellular phone, and said vibrational sensor is operable to provide a different communication signals for each of said different types of determined vibrations. Applicant's disclosure does not explain how he is doing it.

Claim 21 is in a similar situation.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-9, 14 are rejected under 35 U.S.C 102(b) as being anticipated by Kita (US PAT: 6,263,218).

Regarding claim 1, Kita discloses a system for use with a cellular phone that provides notification of an incoming call, the system comprising: a sensing device (24, figs. 1, 8) that is operable to be attaches to the cellular telephone (21, fig. 1) that provides communication signals indicative of an incoming call, wherein the sensing device (24, figs. 1, 12A/12B) is an autonomous device (col. 4 lines 16-24), and a remote communication device (26/27, figs. 1, 10) configured to receive the communication signals, wherein the communication device is configured to provide notification signals to a user dependent upon received communication signals (col. 3, line 66 – col. 4, line 65).

Regarding claims 2-5, 7-9, Kita further teaches the following: remote communication device (27, figs. 1, 10) includes an amplifier (122, fig. 10) and a speaker (133, fig. 10), wherein the notification signals are audible notifications, remote communication device includes a vibrating device (131, fig. 10) and a source of electrical energy (see Vcc on fig. 10), wherein notification signal are vibrational notifications (col. 10 lines 12-60), remote communication device includes a light emitting device (225, fig. 24) and a source of electrical energy (not shown), wherein notification signals are light-emitted notifications (col. 20, line 65 – col. 21, line 8), remote communication device includes a display device (142, fig. 10) and source of electrical

energy, wherein the notification signals are text notifications (col. 27 lines 26-34), sensing device (24, figs. 1, 12A/12B) is an autonomous device, sensing device directly communicate with cellular phone (21, fig. 1) to determine when the incoming call occurs (col. 4 lines 16-35 and fig. 8), sensing device (24, fig. 1) and remote communication device (26/27, fig. 1) wirelessly communicate as shown in fig. 1, wireless communication is a one way communication from the sensing device (24, fig. 1) to the remote communication device (26/27, fig. 1).

Regarding claim 14, Kita discloses a system for use with a cellular phone that provides notification of an incoming call, the system comprising: a sensing device (24, figs. 1, 8) that is operable to be attached to the cellular phone (21, figs. 1, 3) that provides communication signals indicative of an incoming call, and a remote communication device (26/27, fig. 1) configured to receive the communication signals (col. 3, line 64 – col. 4, line 64), wherein the communication device is configured to provide notification signals that are only light based and the notification signals are dependent upon the received communication signals (col. 20, line 65 – col. 21, line 8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Higuchi et al. (US PAT: 6,697,647, filed 2-22-2001, hereinafter Higuchi).

Kita differs from claim 10 in that he does not specifically teach: wireless communication is a two-way communication between the sensing device and the remote communication device.

However, Higuchi discloses cellular mobile telephone apparatus and alarm device therefor which teaches: wireless communication is a two-way communication between the sensing device and the remote communication device (fig. 7, col. 10 lines 16-41).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: wireless communication is a two-way communication between the sensing device and the remote communication device as this arrangement would facilitate the user to send a message to the caller that he cannot presently take the call because of his circumstances as taught by Higuchi.

5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Togawa (JP2001086202A).

Kita differs from claims 11-13 in that he does not specifically teach: sensing device and the remote communication device communicate through a wire-based extension, wire-based communication is a: one-way communication from the sensing device to the remote communication device, a two-way communication between the sensing device and the remote communication device.

However, Togawa discloses ear microphone assembly which teaches: sensing device (6, fig. 1) and the remote communication device (3, fig. 1) communicate through

a wire-based extension, wire-based communication is a: one-way communication from the sensing device to the remote communication device, a two-way communication between the sensing device and the remote communication device (see abstract; paragraphs: 0013-0015 and Drawing 1).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: sensing device and the remote communication device communicate through a wire-based extension, wire-based communication is a: one-way communication from the sensing device to the remote communication device, a two-way communication between the sensing device and the remote communication device as this arrangement would provide wire-based communication between the portable telephone and remote communication device as taught by Togawa, thus providing another way of interfacing the devices.

6. Claims 15-25, 27-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Perry et al. (US PAT: 6,160,489, hereinafter Perry) and Toyoshima (JP2001-352378).

Kita differs from 15 in that although he discloses autonomous sensing device (24, fig. 1, col. 4 lines 15-24), he does not specifically teach vibrational sensor for alerting.

However, Perry discloses wireless communication device adapted to plurality of distinctive tactile alert patterns which teaches the following: vibrational sensor for alerting (abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: vibrational

sensor for alerting as this arrangement would provide another well known method for alerting user for incoming calls as taught by Perry.

Kita differs from claims 16-18 in that sensing device includes a vibrational sensor, communication signals are provided based on the vibrational sensor sensing vibrations of the cellular phone: notification signal are light based, notification signals are audible, and notification signals are tactile.

However, Perry teaches sensing device includes a vibrational sensor, and notification signals are: light based, audible, tactile (col. 4, line 62-col. 5, line 21), but the combination of Kita and Perry does not teach: converting one form of alert into another form for sending into notification device.

However, Toyoshima teaches the following: converting one form of alert (for example light-based) into another form of alert (vibration) for sending into notification device (Drawings 1-5; paragraphs: 0007 -0016).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: sensing device includes a vibrational sensor, communication signals are provided based on the vibrational sensor sensing vibrations of the cellular phone: notification signal are light based, notification signals are audible, and notification signals are tactile in order to meet needs of the user circumstances as taught by the combination of Perry and Toyoshima.

Kita differs from claims 19-21 in that he does not specifically teach: sensing device includes a vibrational sensor, the communication signals are provided based on

vibration sensor sensing vibrations of the cellular phone, and the vibrational sensor is operable to determine different types of vibrations of the cellular telephone, the vibrational sensor is operable to provide a different communication signals for each of the different types of types of vibrations.

However, Perry teaches the following: sensing device includes a vibrational sensor, and the vibrational sensor is operable to determine different types of vibrations of the cellular telephone, the vibrational sensor is operable to provide a different communication signals for each of the different types of types of vibrations (col. 5, line 61 – col. 6, line 32). But neither Kita nor Perry teach the following: the communication signals are provided based on vibration sensor sensing vibrations of the cellular phone.

However, Toyoshima teaches the following: converting one form of alert (for example light-based) into another form of alert (vibration) for sending into notification device (Drawings 1-5; paragraphs: 0007 -0016).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: sensing device includes a vibrational sensor, the communication signals are provided based on vibration sensor sensing vibrations of the cellular phone, and the vibrational sensor is operable to determine different types of vibrations of the cellular telephone, the vibrational sensor is operable to provide a different communication signals for each of the different types of types of vibrations in order to meet needs of the user circumstances as taught by the combination of Perry and Toyoshima.

Kita differs from claims 22-23, 25, 27 in that he does not specifically teach: sensing device includes a light sensor; sensing device includes a light sensor and the communication signals are provided based on the light sensor sensing the light emitted from the cellular phone, sensing device is an autonomous sensing device, sensing device and the communication device communicate wirelessly.

However, Toyoshima teaches the following: sensing device includes a light sensor; sensing device includes a light sensor (T1, Drawing 1) and the communication signals are provided based on the light sensor sensing the light emitted from the cellular phone, sensing device is an autonomous sensing device, sensing device and the communication device (Drawings: 2, 4) communicate wirelessly (paragraphs: 0007-0016).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: sensing device includes a light sensor; sensing device includes a light sensor and the communication signals are provided based on the light sensor sensing the light emitted from the cellular phone, sensing device is an autonomous sensing device, sensing device and the communication device communicate wirelessly in order to meet needs of the user circumstances as taught by Toyoshima.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Perry and Toyoshima as applied to claim 1 above, and further in view of Oota (US 2003/0176205A1, filed 3-18-2002).

The combination differs from claim 24 in that although it teaches light sensor operable to determine types of light emitted from the cellular telephone (Drawing 3, paragraph: 0008-0011 of Toyoshima), it does not teach: different types of light emissions from the cellular telephone

However, Oota discloses Mobile communication terminal which teaches the following: different types of light emissions from the cellular telephone (paragraph: 0040).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: different types of light emissions from the cellular telephone as this arrangement would facilitate to identify different kinds of alerts as taught by Oota.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita as applied to claim 14 above, and further in view of Togawa (JP2001-086202).

Kita differs from claim 26 in that he does not teach the following: sensing device and remote communication device communicate through a wire-based extension.

However, Togawa teaches the following: sensing device and remote communication device communicate through a wire-based extension (abstract, Drawing 1, paragraphs: 0013-0014).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: sensing device and remote communication device communicate through a wire-based extension as this

arrangement would provide wire based notification of events in the portable telephone as taught by Togawa.

9. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Toyoshima and Higuchi et al. (US PAT: 6,697,647)

Kita differs from claims 28-30 in that he does not specifically teach: sensing device includes a battery; remote communication device includes a battery, remote communication includes a first battery and the sensing device includes a second battery.

However, Toyoshima discloses the following: sensing device includes a battery source (V Drawing 3) and Higuchi teaches the following: remote communication device includes a battery (28, fig. 7) and the combination of Higuchi and Toyoshima teaches: remote communication device includes a first battery and the sensing device includes a second battery.

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: sensing device includes a battery; remote communication device includes a battery, remote communication includes a first battery and the sensing device includes a second battery in order to provide required energy to operate the devices as is well known in the art.

10. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higuchi in view of Walter (US 2003/0040286A1).

Regarding claim 31, Higuchi discloses a system comprising: a cellular telephone (1, fig. 7) that provides notification of an incoming call, and a remote communication

device (2, fig. 2) configured to determine the notification of the incoming call, wherein the remote communication device is configured to provide notification signals , dependent on the notification of the incoming call (col. 10 lines 9-42).

Higuchi differs from claims 31 and 33 in that although he discloses user receives notification signal that can be displayed on display 44 of remote communication device (col. 10 lines 40-41), he does not specifically teach: notification signal that is only light based and it is provided by LED

However, Walter discloses signaling cellular phone carrier which teaches the following: notification signal that is only light based and provided by LED (paragraph: 0009).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Hoguchi's system to provide for the following: notification signal that is only light based as this arrangement would facilitate silent notification of incoming call as taught by Walter, thus facilitating receiving call notification signals in the midst of meeting without disturbing others.

Regarding claims 32 and 34, Higuchi further teaches the following: remote communication device (2, fig. 7) determines notification of the incoming call wirelessly, remote communication device includes a battery (28, fig. 7, col. 10 lines 27-41).

Response to Arguments

11. Applicant's arguments filed on 1-1-2008 have been fully considered but they are not persuasive.

Rejection of claims 1-9 and 14 under 35 U.S.C 102(b) as being anticipated by Kita: regarding rejection of a claim 1, Applicant alleges that "Kita does not show or suggest an autonomous sensing device. Kita merely ... accordingly Kita does not show or show or suggest an autonomous sensing device". Contrary to applicant's interpretation of Kita reference, Kita discloses device 24 (figs. 1-8) which can be mechanically attached to the cellular telephone for detecting and transmitting notification signal (col. 4 lines 15-24) which reads on applicant's autonomous sensing device included in the amended claim 1.

Regarding rejection of claim 14 using Kita reference, Applicant argues that "applicant's invention of claim 14 states that remote communication device is configured to provide notification signals that are only light based. Kita does not show or suggest such a feature. The Examiner's selected portion of Kita clearly suggests that notification unit 216 can provide flicker and output alarm and vibration. The ability to provide a light flicker, alarm, and a vibration does not- in any way or shape, or form, show or suggest a remote communication device able to provide notifications that are only light based". Regarding this, Applicant's claim limitation does not preclude other forms of notification as long as the reference is also teaching light based notification which applicant admits being taught by Kita.

Applicant's arguments on dependent claims rejected under 35 U.S.C are tied to independent claims being patentable which are not as explained above.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melur Ramakrishnaiah/
Primary Examiner, Art Unit 2614